

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GRAIG B. FIELDS,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
MICHAEL J. ASTRUE,¹	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
Defendant	:	NO. 06-2849

ORDER

AND NOW, this 9th day of August, 2007, upon consideration of the Plaintiff's Motion for Summary Judgment (Docket No. 8), the Defendant's response thereto and cross Motion for Summary Judgment (Docket No. 9), and the Plaintiff's reply (Docket No. 10), and after careful review² of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport (Docket No. 12), the Defendant's objections thereto (Docket No. 13) and the Plaintiff's response (Docket No. 14), it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED in its entirety.

¹ On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. Therefore, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should be substituted for the former Commissioner, Jo Anne B. Barnhart, as the defendant in this suit.

² "Within ten days after being served with a copy" of a magistrate judge's proposed findings and recommendations, "any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1)(C). If any such objections are filed, the Court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id.

2. The Plaintiff's Motion for Summary Judgment is GRANTED.
3. The Defendant's Motion for Summary Judgment is DENIED.
4. The matter is REMANDED to the Commissioner for further review consistent with the Report and Recommendation.

It is further ORDERED that the Clerk of the Court shall amend the caption of this case to reflect the proper defendant, Michael J. Astrue, and terminate defendant Jo Anne B. Barnhart.³

BY THE COURT:

S/Gene E.K. Pratter
GENE E. K. PRATTER
United States District Judge

³ See note 1, *supra*.